

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

EASTSIDE LINCOLN MERCURY, INC. : CASE NO. C-1-01-567  
ET AL., :  
Plaintiffs, : Judge William O. Bertelsman  
v. : PLAINTIFF'S PRETRIAL  
EXHIBIT DISCLOSURES  
FORD MOTOR COMPANY, ET AL., :  
Defendants. :  
\_\_\_\_\_

Pursuant to F.R.C.P. 26 (a) (2) and (3) and this Court's Pretrial Order, Plaintiff Eastside Lincoln Mercury ("ELM" or "Eastside"), hereby makes its pretrial disclosure of exhibits.

ELM intends to offer the following exhibits at trial.

I. EXHIBITS PRODUCED BY ELM

1. A00009 Ltr. Ford/LM to ELM re: customer excellence Award 1996  
A02458-459 1996 Ford North American Customer Excellence Award
2. A00010-12 Ltrs/Memos LM to G BEATTIE re: 9/5/97 mtg. on ELM sales performance
3. A000035 Ltr. J CARTER to ELM re: ELM sales performance
4. A000036-38 Ltr. G BEATTIE to J CARTER re: Navigator allocation
5. A000044 Ltr. G BEATTIE to J CARTER re: distress advertising
6. A000045 Ltr. C Richardson/LM to G BEATTIE re: distress advertising
7. A000050 Ltr. Ford to ELM re: warranty audit debits
8. A000051 Ltr. B WOESTE to J CARTER re: discontinue Florence LM acquisition
9. A000052-3 Ltr. B WOESTE to J CARTER re: advertising money allocation
10. A000054 Ltr. G BEATTIE to J CARTER re: Temp delay on orders
11. A000055-65 Ltr. J CARTER to G BEATTIE re: Temp delay orders
12. A000066-73 ELM Warranty Review Field Summary Report, June 17 1996
13. A000074-76 Warranty Expense Concerns memorandum
14. A000082-97 ELM Follow-Up Warranty Review Report
15. A000098-101 Ltr. W McRae to ELM re: 1996 warranty audit debit adjustment

16. A00104-127 1998 ELM Warranty Audit Report
17. A00128-129 Ltr. ELM to A WALLS re: responses to 1998 warranty audit report
18. A00130 Ltr. A WALLS to ELM re: warranty audit credits
19. A00131-133 Ltr. A WALLS to ELM scheduling 1999 warranty audit
20. A00134-136 Ltr. A WALLS to ELM scheduling 2001 warranty audit
21. A00137-149 Warranty Audit guidelines and ELM observations
22. A00150-151 Warranty Audit chargeback schedule
23. A00152-203 Ford Warranty Measurement and Consulting Guide
24. A00204-206 Ford-Paid Trend Analysis Summary Claims List for ELM 7/01
25. A00207 Dealer Performance Profile ELM 9/21/01
26. A00208 Ford Award to ELM for highest performance in Cincinnati market
27. A00236-237 Recognition of ELM Parts & Service Dept. 3/24/97
28. A00292 1999 Market Comparison on customer satisfaction levels
29. A00316-317 LM Dealership fixed operations performance survey, YE Dec. '00
30. A00318-320 ELM Customer handling diagnostic report YE 12/00
31. A00321 LM dealers with 100% certification in Sales/Service/Parts 2/01
32. A00322-325 Cincinnati market's incentive program results 1/01
33. A00326 ELM shop competency status report 4/3/01
34. A00327 ELM customer expectation performance trends
35. A00328 Fairfield LM customer expectation performance trends
36. A00329 ELM dealer performance profile
37. A00331 Ford-Paid Trend Analysis Summary Claims List for ELM thru 8/01
38. A00332 ELM Warranty Repair Claims 8/01
39. A00441-442 LPE Statement of Benefits
40. A00443-454 2001 ELM LPE Self Assessment
41. A00455-461 2001 ELM MA Self-Assessment
42. A00462-469 ELM MA evaluation from JD Power
43. A00470-481 ELM LPE evaluation from JD Power
44. A00482-486 ELM exterior photographs
45. A00487-498 Correspondence and documentation re: ELM's LPE/MA appeal
46. A00499 Ltr B WOESTE to J CARTER re: LPE/MA appeal
47. A00500-502 JD Power ltr. to G BEATTIE re: 6/28/01 ELM image evaluation
48. A00503-509 JD Power in-dealership evaluation report for MA
49. A00510-514 JD Power in-dealership evaluation report for LPE
50. A00515-522 Fairfield LM exterior photographs
51. A00523-524 E-mail RB to B WOESTE re: dualing w/Volvo dealership
52. A00525-526 E-mail RB to B WOESTE re: LM Florence
53. A00529 Agenda Cincy Region LM Dealer Council '01 Meeting

54. A00530-536 Cincy Area LM Dealer Council issues/recommendations  
 55. A00537-539 Cincy Area LM Dealer Council implementation report 7/30/01  
 56. A00540-41 LM Dealer Council '01 accomplishments  
 57. A00542-44 August YTD profits, July YTD sales comparison  
 58. A00545 10/10/01 comparative regional sales data from P LeTarte  
 59. A00546-549 Notes Dealer Council Meeting  
 60. A00550-557 Fairfield LM exterior photographs  
 61. A00558-56 Renderings & plans for proposed ELM improvements  
 62. A00566-596 Sheldon lease documentation  
 63. A00599 Ultimate IS Delivery Experience Standing Reports through 6/01  
 64. A00600-608 Customer viewpoint summary Cincinnati Region  
 65. A00609-613 Customer expectation reporting trends report ELM  
 66. A00614-622 ELM customer sales experience reports 6/01  
 67. A00623-625 Customer expectation performance trends for ELM 1Q01 v. 2-4Q  
 68. A00626-642 Customer expectation performance trends for ELM (various months)  
 69. A00643 Ltr. B WOESTE to Clarence Holland re: QCM/FCA implementation  
 70. A00644-668 Ford FCA presentation materials  
 71. A00669-674 Cincy area dealer comparisons 11/98 YTD  
 72. A00675-680 Cincy area dealer comparisons 9/99 YTD  
 73. A00681-686 %5 dealer report Cincy market 7/00 YTD  
 74. A00687-692 %5 dealer report Cincy market 9/00 YTD  
 75. A00693-704 %5 dealer report Cincy market 8/01 YTD  
 76. A00706 Ltr. Lisa Bass to B WOESTE re: ELM Top 300 position 1996  
 77. A00707-708 Ltr C Hall to G Beattie re: performance 9/97  
 78. A00709 Notes of 9/5/97 mtg. re: ELM sales performance  
 79. A00712-713 Ltr. B WOESTE to J CARTER re: sales performance concerns  
 80. A00714-715 Ltr J Carter to B Woeste re: sales performance  
 81. A00722 Ltr. J CARTER to G BEATTIE re: vehicle allocation  
 82. A00723-729 1997-1998 market comparison and sales  
 83. A00734 1999 LMDA competitive makes sales figures  
 84. A00749-801 Presentation materials, Cincy Metro Dealer Group meeting 2/14/01, incl. market analysis  
 85. A00831 Business Week 6/25/01  
 86. A00832 E-mail Jeff Drews to G BEATTIE, J CARTER re: ELM customer satisfaction radio spot  
 87. A00838-843 Dealer comparison 9/99 YTD  
 88. A00861-866 %5 dealers 9/00  
 89. A00923 LPE/MA dealer executive summary report  
 90. A00924-950 ELM Quarterly Data Summary 4Q00  
 91. A00956 Auto Show Assistance check from Ford Motor Co.  
 92. A00957 Ford-paid trend analysis summary for ELM 1/01

93. A00958-960 FOCUS graphs graphic 126 for dealer 10618  
 94. A00961-962 Warranty audit chargeback schedule  
 95. A00963-965 Ltr. A WALLS to B WOESTE re: ELM compliance w/ warranty procedures  
 96. A00966-967 Warranty Audit Actions Matrix Commitment Agreement for ELM  
 97. A00968-970 Warranty Audit Actions Matrix pages from Ford Warranty Policy Manual  
 98. A00971-976 Ford-paid trend analysis summaries ELM 8/00 - 1/01  
 99. A00977 B WOESTE meeting log for warranty audit-related matters  
 100. A00978-1004 ELM Warranty Audit Summary Report dated 4/9/01  
 101. A01005-1018 Warranty and policy audit report dated 10/20/1999  
 102. A01019-1023 Ltr. Chris Hahn to Walt McRae re: ELM avg. warranty dollars per car  
 103. A01024-1027 Cincinnati region 1999 growth strategy plan  
 104. A01040-1044 Customer viewpoint trend report for Cincy region 1/01-11/01  
 105. A01045-1087 2002 All-dealer meeting presentation materials  
 106. A01088 Dealer performance profile ELM 11/18/01  
 107. A01101-1102 Ltr. J CARTER to G BEATTIE re: temp hold status of orders  
 108. A01105-1107 Ltr. J CARTER to B WOESTE re: 2002 LPE/MA certification  
 109. A01108-1112 Ford Electronic Field Communication 11/8/01 re: 2002 warranty requirements  
 110. A01114-1121 2001 LM National Dealer Council meeting minutes  
 111. A01128 Dealer fixed operations performance 12/2000  
 112. A01132 (inadvertently labeled A01128) transcript of voice mail message from Bob Reichert to B WOESTE 4/26/01  
 113. A01133-1568 ELM Dealer Financial Statements 1996-2001  
 114. A02369-402 ELM FCA final evaluation  
 115. A02416-426 ELM FCA review documents  
 116. A02487 February 2004 letter, dinner at Waterfront – Great Job!  
 117. A02490-492 May 28, 1998 ELM Meeting notes re: Meeting with J Carter  
 118. A02493-569 ELM FCA analysis and workpapers  
 119. A02570-573 letters to G Berberich from unknown writer re: suggestions for discovery and suit strategy

## **II. EXHIBITS PRODUCED BY FORD DEFENDANTS**

1.	ELM1 0045-49 0050-55 0060-67 0082-84	notification of dealer locality/share notification of dealer locality/share notification of dealer locality/share notification of dealer locality/share	6/30/00 1/15/98 11/3/94 3/19/86
2.	0152	dealer contact report – Cronin dual	1/9/90
3.	0173-179	Woeste purchase approval \$1.75MM	3/3/86
4.	0336-338	email and letter/report of audit	5/3/01
5.	0339-350	LPE and MA reports - PASS	6/28/01
6.	0360-363	Fairfield LM relocation request	5/18/01

7.	0373	LPE and MA report - FAIL	1/31/01
8.	0377-393	1998 warranty audit results	9/3/98
9.	0550-553	memo to J Carter re ELM website	8/26/98
10.	0595	Nudell design renderings	10/19/98
	0623-626		9/19/98
	0632-633		
11.	0627	memo re Nudell meeting re ELM	11/5/98
	0635	M Erwin letter to Nudell re ELM relo	9/16/98
12.	0628-629	FCSD warranty audit candidates 2Q99	3/26/99
13.	637-640	M. Erwin memo re zoning issues/drawings	
14.	659	Itr fr Woeste to J Carter re drawings	1/21/98
15.	0660	Itr fr J Carter to Woeste re sales goals	10/29/97
16.	0661	Treadon drawing re Beechmont Pontiac	
17.	0679-697	Corresp. to/fr J Carter re 97-98 sales	10/2/97
18.	0745	email to M Rivers fr J McLaughlin re 126 meeting of 8/21/01	9/6/01
19.	0749-750	emails M Rivers re ELM action plan	5/17/01
	8481-8483		5/01
20.	0751-752	2001 warranty audit summary	5/7/01
	3465-3466	2001 warranty audit summary	5/7/01
	0780-806	2001 warranty audit	4/9/01
	1076-1104	2001 audit workpapers	2001
	1106-1769	2001 audit workpapers	2001
	1105	2001 warranty audit penalty memo	12/10/01
	8443-8444	ELM audit history and 2001 auditor evaluation report	4/17/01
	8448-8449	ELM 2001 audit report	5/8/01
21.	0753	email M Rivers re 2001 audit	5/3/01
	9950-9976	emails re warranty audit penalty against ELM for 2001 audit	5/01
22.	0754-758	letter to A Statman from Ford legal	5/3/01
23.	0759-765	letter fr A Statman w/ J Carter notes	
24.	0771-779	2001 warranty audit letter and matrix	4/9/01
25.	0807-809	Walls letter to ELM re 2001 audit	2/12/01
26.	0810-823	1999 warranty audit	10/20/99
	0826	1999 warranty audit result letter	11/18/99
	0842-843	1999 warranty audit opening letter	9/27/99
	1775-1780	1999 warranty audit letter and Region control of process	1999
	1782-2168	1999 Audit workpapers	1999
	8514-8527	1999 audit report	10/20/99
27.	0848-849	contact re warranty counseling 1998	12/4/98
	0850-851	ELM appeal 1998 audit	8/17/98
	2169-2532	1998 warranty audit workpapers	1998
28.	0852-1050	1997 audits/appeals/debits/credits	1997/1998
29.	1054-1066	1996 warranty review	1996

30.	1074-1075	1997 proj. decreased warranty b/c QCM 5/28/97	
31.	1770	audit history ELM	
32.	1772-1774	emails A Gabrion re ELM audits	1/7/00
33.	3107-3138	2000 and 2001 LPE/MA audits	
	13249	LPE status Cincinnati market	
34.	3469-3470	Woeste ltr to Carter re unfair treatment	2/1/01
35.	3471	Carter ltr to Woeste re level playing field	2/7/01
36.	3455	Woeste to Carter re Florence	2/1/01
37.	3489-3491	warranty audit commitment agreement	
38.	3500-3501	J Carter emails re 2001 audit	5/3/01
39.	3522-3537	M Erwin note to J Carter re ELM building	
40.	3586-3590	allocation summaries	
41.	3816	1996 MP Market Study findings	1/4/97
42.	3875-3890	2002 business plan	2002
43.	3891-3926	2001 business plan	2001
44.	3927-3933	2000 business plan	2000
45.	3975-3978	1998 business plan	1998
46.	3979-4129	1997 business plan	1997
47.	4130-4175	2001 business plan review	2001
48.	3582-3585	1999 Growth Strategy Plan (business plan - GSP)	1999
	4176-4189	1999 GSP	1999
	4740-4774	Gen. Field Bulletin outlining GSP	12/4/98
	4771	ELM strong interest in signature design	
49.	4190-4217	April 2000 market analysis	2000
50.	4218	memo re 3MM consolidation budget	11/16/99
51.	4223-4233	consolidation guidelines	2/14/00
52.	4239	competitive brands to Mercury	
53.	4250-4254	Cincinnati Market consolidation benefits	
54.	4265-4268	email re: Huser Fii approval at FF LM	2001
55.	4270	ltr from LM to Northgate re poor perf	8/17/00
56.	4271	ltr from LM to Kings LM re better perf	8/17/00
57.	4284	emails from W Gardis to F Brown re consolidator agreement	10/01
58.	4319-4335	ROFR agreement and cover letter	9/14/00
	8806	internal cover letter	
	4287-4293	Consolidator agreement, drafts, rewrites,	
	4336-4520	LOUs, correspondence and emails	
	4539-4543	same	
	4652-4665	same	
	4898-4913	same	
	4938-4945	same	
	4948-4955	same	
	4960-4964	same	
	4974-4998	same	
	ELM3 7192-7381	same	

	ELM1 7259-7260 4720-4723 4735-4738 ELM3 7096-116 7146-178	emails F Brown re cons. Agreement Cincinnati consolidator draft plan dualing consent letter/draft cons plan ROFR preliminary documents and 2002 LM FF term agreement LM FF LOU	10-11/01 7/24/01 8/9/01 7-10/01
59.	ELM1 4525-4527	email from W Gardis to G Allison re Fairfield redesign/Reichert difficulty	5/18/01
60.	4544-4547 4551 4553-4567 4571 4572-4573 4589-4592 5008	request/approval for relo of LM FF proposal not in accord with market plan financials/projections LM FF LPE projections FF FF state relo application req to amend market rep plan LM FF req for project approval	4-5/01 6/6/01 5/18/01 10/25/01
61.	4548-4550 4633	LM of FF dualing conditions/emails same with hand notes	5-7/01
62.	4593 4599	J Carter fax cover re Reichert/KDG requesting closure meeting for relo J Carter notes re relo/dual FF	5/4/01
63.	4602-4605 4813-4815 4822-4825 4832-4835 4836-4842	emails and draft revised LOU/term agreement re LM FF dual emails and LM FF term draft emails – delete “other” conditions /changes same same with modified LOU dropping usual requirements	5/01 2/01 2/01
64.	4606-4609	Wyler closure market rep action form	12/12/00
65.	4614	email's re cooperating with Consolidator	5/01
66.	4618	LM FF pro forma/adj. #s for approval	
67.	4624-4626	LM FF building dimensions – VW notes	5/1/01
68.	4630-4631	draft of LM FF relo request, W Gardis observations – estimates/overstated/land undersized per guide	
69.	4635-4640 4775-4803	F Brown email to W Gardis re draft consolidator agreements w/ forms same but includes detail and arbitration	2/7/01
70.	4641-4644	term agreement for LM FF	3/9/00
71.	4645	Dixon LM performance history	2/01
72.	4669-4673	photos of LM FF dual	
73.	4719	email Reichert to W Gardis re consolidator agreement	8/8/01
74.	4864-4865	emails re Northgate non-approved sign	3/13/02
75.	5003-5004	Kings LM warranty review ltr	4/22/99
76.	5179	LM FF fixed expenses after dual proj	

77.	5359	Itr M Lombardi to Kings re no certified tech in drive train/transmission	6/12/01
	5451	same	9/4/01
	9137	Itr C Bergman to Kings re no certified tech in suspension/transmission	2/12/01
	9142	Itr C Bergman to FF re no certified tech in brakes	8/28/00
	9165	same re suspension/trans	2/12/01
78.	5361-5362	Kings response to warranty review	7/24/01
79.	5388	Kings warranty follow-up review	2/17/99
80.	5392	Kings self review result	12/4/98
81.	5393	Kings self review result	10/30/98
82.	5400-5405	Kings warranty misrepresentation	2/9/98
83.	5397-5398	Kings self review letter	9/16/98
84.	5412-5413	same	1/29/97
85.	5454-5455	same	1/25/01
86.	6859-7024	list of vehicles held, released, diverted, reassigned to Kings	2000-2001
87.	8578-8579	DD investment proposal Dixon	2/3/00
88.	8600-8601	A Walls letter to Dixon re warranty audit closing – no video	2/24/99
	8602	warranty audit closing conf letter	2/8/99
89.	8619-8628	dealer resignation Dixon	3/8/00
90.	8429-8434	Itr from counsel with high cost dealer decisions matrix	4/27/01
91.	8435-8437	FCSD RM audit implementation guide	2/28/01
92.	8438-8441	2001 audit letter, A Gabrion bill	
		Oswald note	4/10/01
93.	8442	email A Gabrion to J Carter re audit results	5/3/01
94.	8447	J Carter email re ELM 2001 audit	5/3/01
95.	8450-8461	emails re ELM 2001 audit /penalties	4-5/01
96.	8487	email L Etchill re failed MA	11-12/00
97.	8501-8502	Feb 2001 126 report and graph	2/01
98.	8535	service traffic of area F and LM stores	11/18/99
99.	8567-8570	Dixon DD proposal/terms of sale	2-3/01
100.	8646	J Carter request extension of FF term	3/8/02
101.	8647-8654	LM FF term extension through 2004 and LM FF term performance report	4/26/02
102.	8655-8666	LM FF dualing consent	12/7/01
103.	8722	Reichert letter to Carter re plans for FF	5/15/01
104.	8723-8728	Reichert Itr to J Carter requesting relo	5/3/01
	4596-4597		
105.	8824-8826	Reichert LM FF 2000 business plan	3/1/00
106.	8848-8851	new dealer proposal FF	2/4/00

		the LM FF purchase from Dixon	
107.	9131-9132	LM FF 2001 warranty review	7/24/01
108.	9144-9145	LM FF self review letter 2000	11/24/00
109.	9158-9160	LM FF warranty review closing ltr 1/14/02	
110.	9465-9514	Dixon 2000 warranty audit	2000
		follow up to 1999 FnF and also FnF	
	9187-		
	9184-9186	J Carter closing letter on Dixon 2000 audit	6/7/00
.	9232-9233	ltr from Bergman to Dixon attys	3/22/99
	9234	ltr from Dixon attys re audit closing	2/17/99
	9235,9237	ltr from Walls to Dixon re 2000 audit	
	9238-9239	penalties	2/19/99
	9240-9256	1999 audit FnF findings	2/2/99
	9257-9262	ltrs Dixon attys to Ford re 1999 audit	3/11/99
	9296-9297	ltr to Dixon re 1999 audit	1/5/99
111.	9309-9310	ltr Walls to Dixon re 1998 chargeback	8/31/98
112.	9312	ltr W McRae to Dixon re warranty review	12/22/97
113.	9370-9385	J Carter notes on 1999 warranty review	2/2/99
114.	9521	Dixon note protesting audit	
115.	9555-9556	2000 audit opening conference memo	3/21/00
116.	9637	L Etchill emails re Dixon sale	3/10/00
117.	9903-9910	K Kenner file on Florence/emails re same	2001
118.	9916-9917	ltr J Carter to G Beattie re Navigator allocation	2/27/02
	9921	ltr G Beattie to J Carter re Navigator allocation	2/25/02
119.	GRN1/2 0001-1157	Warranty audit manuals	
120.	ELM1 11206-11211	Fryson new dealer appointment	11/13/01
121.	11317	Ford Credit ltr to J Carter approving Fryson credit	11/13/01
123.	11689	Florence land valuation 2001	2/23/01
124.	12146-169	Ridgeview 1998 warranty audit	8/14/98
	12170	Ridgeview 1998 closing meeting memo	10/20/98
	12171	Ridgeview 1998 warranty audit letter	7/27/98
	12174	Ridgeview 5/1997 audit involved mileage rollback (fraud)	
	12201 -202	1997 warranty review letter/chargeback memo to Ridgeview re rollback	10/20/97
	12203-240	Ridgeview 1997 audit	1/12/98
125.	13067-103	2001 LPE and MA program rules	
	13188-226	2001 LPE and MA technical manual	
LPE1	00001-end	2001 website and guide for LPE and MA	
126.	13245	LM FF certified Employees - STARS	1/18/01
127.	13252	LPE cert status 2001 extended b/c	

		quality issues	12/11/00
128.	13270-274	LPE Memo re philosophy	5/5/00
129.	13290-291	LPE program goals/demands 2005 and beyond	
130.	13386	Jeff Wyler appointment to Stillpass	4/14/00
131.	13456	Stillpass 5 year profit history/forecast	
132.	13464	Wyler termination (resignation)	10/31/00
133.	13466-484	Wyler termination (resignation) packet	
	14325-329	Wyler termination agreement	9/1/00
	13553-555	Wyler ltr to J Carter confirming	
		LM desire to buy and offer to sell	8/25/00
	14372	Wyler resigned re Cincinnati consolidation	5/24/02
134.	13559	Itr J Wyler to J Carter re protest of LM refusal to approve sale	4/7/00
135.	13560-565	Wyler appointment proposal and drafts	4/7/00
	14213-215		
136.	13571	Itr K Ertel to Wyler agreeing that Wyler will de-dual	4/7/00
137.	14286-288	J Carter check request for Wyler 550k	10/2/00
	14289-291	J Carter check request for Wyler 225k credited to parts statement	9/29/00
138.	14422-467	Stillpass 1997 warranty review	11/27/97
	14560	Stillpass 1997 warranty review letter	10/2/97
	14561-562	Stillpass 1997 warranty review closing	10/23/97
139.	14563-564	Stillpass 1998 warranty contact reports	10/98
	14566-570		
140.	14565	Stillpass ltr from A Walls getting out of WC program	9/3/98
141.	14571	Stillpass 1999 Step 1 WC ltr	8/3/99
	14573	Stillpass Step 1 WC form	5/19/99
142.	15199-521	June production wholesale report	4/17/02
143.	15452-454	2000-2002 regional funds	
144.	15455-457	2000-2002 Regional budget	
	20001-007	1999, 2000, 2002 budgets	
145.	15460-519	J Carter calendar 1998-2002	
146.	16299-415	Consolidation programs, emails, updates	
147.	16416-418	LM duals in Cincinnati region	4/28/02
148.	16419-429	Prohibitions/requirements against dualing	
149.	16430-782	District Sales/Procedures Manual	5/2/98
150.	16783-896	LM Distribution Network Strategy	12/31/01
	ELM3 8489-497	LM Distribution Network Strategy	2001
151.	ELM1 16897-979	Consolidation programs	
152.	LM 00974-995	Lincoln Distribution Strategy	
		Status Review PP	8/23/00
153.	ELM1 8488-8513	ELM 2001 1Q fixed ops review, warranty and region comparison	

154.	ELM2 19358-370	2000-2001 budgets, LMDA, discretionary budget, supplier invoices Kings, FF, Northgate, ELM	
155.	19371 -374	Reichert/KDG 2000 payments	
	19375-376	Reichert/KDG 2000 payments	
	19379-380		
	19377-378	Reichert/KDG 2000 payments	
	19381-382	email re contest winners 9/01	9/4/01
	19392	emails re payments 2/01	
	19397-407	Reichert/KDG 2000-2001 payments	
	19412-418	Reichert/KDG payments	
	19419-420	Reichert/KDG 2000 payments	12/00
	19421-423	Reichert/KDG 2000 payments	12/00
	19426-429	Reichert/KDG 2000 payments	
	19435-438	Reichert/KDG 2000 payments	
	19456	Sales challenge for Reichert/KDG	
	20008-23	Reichert consolidation challenge	5/24/02
156.	19459-471	Reichert/KDG 2000 payments	
157.	19424-425	ELM "challenge" 2000	
158.	19458	G Beattie request after anonymous	
	19474-475	phone tip in 12/00	
159.	20029-30	Cincinnati DMA marketing plan	
160.	20031-32	Cincinnati Metro meetings/co-op rules	
161.	20221-223	1998 Northgate Cougar promo	8/98
	20224-226	Cougar Co-op rules	
162.	20412-419	luxury leadership promotion and	
	20428-430	Reichert/KDG aggregation	2000
	20432		
	20435		
163.	ELM3	Allocation Schedule Order Bank Report Northgate LM 1999 - 2002 Allocation Schedule Order Bank Report Fairfield LM 2000 - 2002 Allocation Schedule Order Bank Report Kings LM 1999 – 2002 Allocation Schedule Order Bank Report Eastside LM 1999 – 2002	
164.	ELM3	Final Dealer Allocation Report Northgate LM 1999 - 2002 Final Dealer Allocation Report Fairfield LM 2000 - 2002 Final Dealer Allocation Report Kings LM 1999 – 2002 Final Dealer Allocation Report Eastside LM 1999 – 2002	
165.	ELM3 6342-6345	New Dealer appointment proposal	

		for Ford DD to take over Farr	4/14/00
166.	6409-6410 6419-6420	Dealer resignation and termination Farr	5/24/02
167.	7057-61	ELM dealer order commitment forms	
168.	7614-18	Stillpass offer to J Carter	1999
169.	7710-11 7716 7956-58 8063	Sale price of LM Florence to Fryson draft of above email re loss on sale to Fryson email re Fryson sale	10/19/01 8/6/01 8/16/01
170.	8213-8411 8441	Dixon LM appraisal and sale, strategy notes, valuations email S Scove re Dixon valuation	
171.	8421-440	LM FF profit plan 2000	1/6/00
172.	8480-88	PP Gateway CSI	3/6/01
173.	WTA1	ACES II users manuals	
174.	WTA2 0054-358	Warranty Counseling Process Manual	3/25/02
175.	0576	email from A Gabrion	10/16/00
176.	0360 0364	same warranty manual change	3/14/02
177.	0374-77 0378-82	Muntz response to Knecht Knecht letter to Muntz	
178.	0385-387	emails re cost of in-dealer consultant	12/01
179.	0389-399	changes to warranty audit matrix	
180.	0434-435	email re problems with warranty audits	9/25/01
181.	0441	A Gabrion email	7/10/01
182.	0462	A Gabrion email re dd audits	6/20/01
183.	0467-474	announce website to help with 126	6/14/01
184.	0475	A Gabrion email re audits	6/4/01
185.	0494	A Gabrion email re attendees at close	3/20/01
186.	0561-563 0529-533	ONP moved from measured warranty EFC re splitting LM out of all Ford for audit purposes	
	0545-560	EFC re changes to warranty audit program	1/25/01
	0580-98	EFC re changes to warranty audit program	
187.	0599-60	memo re number of auditors/audits	7/20/00
188.	0643	A Gabrion email re audits	5/9/00
189.	0647-48	Pederson email re professionalism	2/22/00
190.	0706-711	A Gabrion email with EFC	1/11/01
191.	0712-0717	Bergman ltr re warranty update	12/6/99

**III. EXHIBITS THAT DO NOT BEAR A DISCOVERY DOCUMENT NUMBER OR THAT WERE IDENTIFIED IN EXPERT REPORTS**

1. All Sales and Service Agreements, Amendments and Addenda for Eastside Lincoln Mercury
2. ELM and all Cincinnati LM Market competitor Dealer Financial Statements, Ford Dealer Performance Reports, and Parts and Service Performance Analysis 1996-present
3. 1996 and 2002 Cincinnati Region LM Market Representation Studies
4. LPE and MA program rules
5. Interior and exterior photographs of all Cincinnati Market LM Dealerships, both exclusives and duals, including Florence LM and Cronin LM of Middletown, from 2001 to present
6. Aerial photographs of present ELM facility and proposed relocation site at Beechmont Isuzu property and adjoining Beechmont Chevrolet property
7. ELM 2003 President's Award, award letter, program rules
8. ELM 1996 Customer Excellence Award letter
9. "Resume" of Bill Woeste, Jr. and Beechmont Automotive Group dealer accomplishments
10. All Documents relied upon by Roger Bean and listed in his report at Exhibit D
11. J.D. Power IQS reports from 1997 through 2004
12. GM facility size standards 1998 through 2004
13. LM/Ford facility size standards 1998 through 2004
14. Ford Accounting Manuals 1998 through 2004, particularly rules for parts, warranty and policy claims, and service related to dualized operations
15. All correspondence between ELM and LM Division of Ford, or between counsel for the respective parties, related to relocating and/or dualing ELM
16. All documents used or referenced in discovery depositions
17. Recent interviews in Dealer Magazine, November 2004 ed., by Darryl Hazel and Robert Reichert.
18. Handouts from 12/10/02 LMDA meeting for 2003 ACP identifying brands LM believes are competitive brands
19. Cross-Sell vehicle registrations for the period 1997 to 2004 for Ohio and Kentucky
20. Ford Dealer Fixed Operations Management Report for 2000 to 2004.
21. Automotive News Market Data Reports and Census Data 1997 through 2004
22. Summary of Eastside and Chevrolet personnel for 1999 through 2004
23. Listing of lost LPE money from 2000
24. Eastside customer satisfaction reports
25. "Scheduled Orders- Select Time Periods" for Eastside, Kings and Northgate
26. Property detail ledgers for Honda East and Beechmont Motors
27. Prime interest rate detail
28. Actual detail of service records at Eastside

29. Listing of lost vehicle sales
30. Listing of expenses incurred in updating Eastside facility
31. Operating report for Beechmont Chevrolet for 1999 to September 2004
32. Dealership financial and employment data for Beechmont Motors for the period from 1998 to 2004
33. Facilities data for Beechmont Chevrolet
34. Lincoln Mercury sales reports for 2003 and YTD 11-01-04
35. Excerpts from Lincoln Mercury accounting manual and chart of accounts
36. Chevrolet franchise agreement
37. February 2001 LM National Dealer Council Meeting minutes (8 pages)
38. 12/12/02 Executive Summary of December Retailer Council mtg – D. Hazel (4 pages)
39. 12/11/01 Cincinnati LMDA All Dealer meeting (43 pages)
40. Dealership Fixed Operation Performance Reports 1996 to present
41. Ford Motor Company Dealer Profit Plan ELM (27 pages)
42. 10/8/02 ltr Woeste to Carnegie re questions on Sept. 26, 2002 Cincinnati market study (2 pages)
43. 11/14/02 ltr from Carnegie to Woeste responding to above (3 pages)

The Plaintiff, Eastside Lincoln Mercury, Inc., reserves the right to supplement this list based on evidence introduced at trial by the Defendants that could not be anticipated. The Plaintiff also reserves the right to introduce any exhibits identified by the Defendants.

Respectfully submitted,

/s/ \_\_\_\_\_  
Alan J. Statman (0012045)  
Gregory J. Berberich (0043651)  
Lawrence A. Flemer (0018673)  
STATMAN, HARRIS, SIEGEL & EYRICH, LLC  
2900 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
Tel. (513) 621-2666  
Fax (513) 621-4896  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Plaintiff's Pretrial Disclosures was served via ecf filing this 15<sup>th</sup> day of November, 2004, to the following:

Elizabeth A. McNellie  
Baker & Hostetler  
Capitol Square, Suite 2100  
65 East State Street  
Columbus, Ohio 43215-4260

and

Steven D. Hengehold  
Rendigs, Fry, Kiely & Dennis  
One West Fourth Street, Suite 900  
Cincinnati, Ohio 45202-3688

/s/  
Gregory J. Berberich (0043651)